

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Luxottica Retail North America,  
*d/b/a* Pearle Vision,

Plaintiff(s),

vs.

CAS-MAN, Inc., et al.,

Defendant(s).

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Case Number: 1:10cv374

Chief Judge Susan J. Dlott

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Karen L. Litkovitz filed on November 14, 2011 (Doc. 31), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired December 1, 2011, hereby ADOPTS said Report and Recommendation.

Accordingly, Plaintiff Luxottica Retail North American Inc., *d/b/a* Pearle Vision's ® motion to toll enforcement of the non-compete injunction (Doc. 27) is **GRANTED** in part and **DENIED** in part.

Defendants are **PERMANENTLY ENJOINED** and restrained from operating or participating in retail optical store or optometric office within a radius of three miles from the prior franchise operations in Streamwood, Illinois and Bloomingdale, Illinois for a period of one year, less the time defendants have been in compliance with the Court's February 16, 2011 Order.

IT IS SO ORDERED.

s/Susan J. Dlott  
Chief Judge Susan J. Dlott  
United States District Court